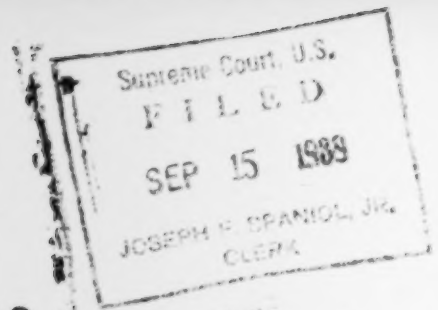


89-613



number _____ U.S.

**THE SUPREME COURT OF THE UNITED STATES
1989 TERM**

**LAWRENCE L. ENGEL, PRO SE PETITIONER
v
CLARK COUNTY, NEVADA RESPONDENT**

Petition on Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit

APPENDIX

Lawrence L. Engel, PRO SE
3388 West Cougar Avenue
Las Vegas, NV 89170
(702) 361-7018

P.O. Box AB
Garden Grove, CA 92641
(714) 890-9434

3788

EDITOR'S NOTE:

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TABLE OF CONTENTS - APPENDIX

| Title | page |
|---|------|
| Order rehearing denied | 1 |
| Order 9th Circuit appealed to the Court | 2 |
| Order U.S.D.C. Nevada | 3 |
| Order 9th Circuit transferring venue to Nevada | 4 |
| Order U.S.D.C. Central District of Calif. Transferring venue to Nevada | 5 |
| Prayer for relief to the Clark County Commission | 6 |
| Land Use and Building Corruption a report by Law Enforcement Assistance Admin. | 7 |
| Newspaper Article indicating Engel was treated differently than normal. | 8 |
| Letter: Engel to Building Dept. Requesting update of records | 9 |
| Letter: Building Dept. to Engel Declaring permit void for SPECIAL CONDITIONS. | 10 |
| Letter: Building Dept. to Engel explaining SPECIAL CONDITIONS as pledge or oath requirement of Commission. | 11 |
| Letter: Building Dept. to Engel 1982 explaining limited scope of county mandate Note: Utilities connections are physically impossible at Engel's. | 12 |
| Letter: Planning Commission to Engel indicating extension of time was not required Note: Engel had 8' wall finished. | 13 |

TABLE OF CONTENTS cont.

| | |
|--|--------|
| 1985 Variance document indicating one year to commence construction . . . | 14 |
| Letter: Building Dept. Director to Engel mailed after the expiration of statute of limitations. | 15 |
| Letter: Engel to Clark County Commission and the Building Department. A prayer for relief. | 16 |
| Building Inspection Card. FOUNDATION ONLY Declared void no official reason given. Error! should not have given "foundation only" | 17,17A |
| Building Dept. Computer printout. NO FINAL WITHOUT APPROVAL FROM HEALTH . . . | 18,18A |
| Inspection document 8' walls . . . | 18A |
| Inspection document Partial Slab . . . | 18A |
| Inspection document Plumbing . . . | 18A |
| Inspection document Health Dept. Sanitation | 18B |
| Building Inspection Card FOUNDATION ONLY now stated as No Final Without Approval from Health Dept. Unconstitutionally declared void because of "SPECIAL CONDITIONS". . . | 18C |
| Clark County Code 3.36 Commission Election District . . . | 19 |
| Clark County Code 3.12 Planning Commission . . . | 20,20A |
| Clark County Code 22.02.130 Combined board of Building Appeals . | 21 |

TABLE OF CONTENTS end

| | | |
|------------------------------|---------|--------|
| Clark County Code 22.01.010 | | |
| Authority to issue citations | . . | 22 |
| Clark County Code 22.02.140 | | |
| Violation = misdemeanor | . . | 22 |
| Clark County Code 22.02.147 | | |
| Permits Issuance | | 22,22A |

FILED JULY 21, 1989

Clerk , U.S. Court of Appeals

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRUIT

Lawrence Lee Engel,

Plaintiff-Appellant

No. 87-2807

vs.

D.C. No. CV-87-

Clark County, Nevada

0419-HDM

Defendant-Appellee.

ORDER

BEFORE: FARRIS, THOMPSON, and TROTT, Circuit Judges.

The panel as constituted in the above case has
voted to deny the petition for rehearing.

The petition for rehearing is DENIED.

FILED JULY 21, 1989

Clerk , U.S. Court of Appeals

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRUIT

Lawrence Lee Engel,

Plaintiff-Appellant

No. 87-2807

vs.

D.C. No.
CV-87-0419-
HDM

Clark County, Nevada

Defendant-Appellee.

MEMORANDUM

Appeal from the United States District Court
for the District of Nevada
Honorable Howard D. McKibben, District Judge, Presiding
submitted June 8, 1989
San Francisco, California

BEFORE: FARRIS, THOMPSON, and TROTT, Circuit Judges.

Lawrence Lee Engel appeals pro se from the district court's dismissal of his action under 42 U.S.C. 1983. Engel alleges that Clark County violated his constitutional rights by denying him a building permit. He contends that the dis-

trict court erred in dismissing his action for lack of subject matter jurisdiction. We affirm.

ANALYSIS

The issue presented by this appeal is one of law which this court reviews de novo. Peter Starr Prod. Co. v. Twin Continental Films, Inc., 783 F.2d 1440, 1442(9th Cir. 1986). We may affirm the district court on any ground supported by the record, even if the district court relied on different reasons. Big Spring v. U.S. Bureau of Indian Affairs, 767 F.2d 614,616 (9th Cir. 1985), cert. denied, 476 U.S. 1181 (1986)

The question of ripeness goes to the subject matter jurisdiction of a federal court. Shelter Creek Development Corp. v City of Oxnard, 838 F.2d 375,377 (9th Cir), cert. denied, 109 S.Ct. 134 (1986). In actions involving land use disputes, "the doctrine of ripeness is intended to avoid premature adjudication or review of administrative action." Herrington v. County of Sonoma, 857 F.2d 567,568 (9th Cir 1988), cert. denied, 109 S.Ct. 1557 (1989). Constitutional challenges of land use decisions are ripe for

review when the aggrieved party has received the planning commission's "final definitive position regarding how it will apply the regulations at issue to the particular land in question." MacDonald, Sommer & FRATES V. Yolo County 477, U.S. 340,351 (1986)(quoting Williamson County Reginal Planning Comm'n v . Hamilton Bank, 437 U.S. 172, 191 (1985)).

We have held the "final decision" requirement applicable to procedural and substantive due process, equal protection, and regulatory taking claims brought to challenge the application of land use regulations, See Hoehne v. County of San Benito, 870 F.2D 529, 532 (9th Cir. 1989) (Citing cases). The aggrieved property owner has a "high burden of proving that a final decision has been reached by the agency before it may seek compensatory or injunctive relief in federal court on federal constitutional grounds." Id. at 533.

We are unable to discern from the record whether "the end of the road was reached" by the parties to this action. Id. at 535. Because appellant has failed to demon-

strate that the requisite "final decision" has been obtained, he has not shown that his case is ripe for review by a federal court. AFFIRMED.

Filed September 11, 1987
U.S.D.C. Nevada

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Lawrence Lee Engel

CV-S-87-419-HDM

Plaintiff,

vs.

ORDER

Clark County, Nevada

Defendants.

The plaintiff, Lawrence Lee Engel, has filed a complaint alleging jurisdiction under 42 U.S.C. 1983. He seek among other things in his complaint a preliminary injunction to compel the defendants to conduct a building inspection on his property located at 3330 West Cougar, Las Vegas, Nevada. The defendant Clark County has refused the plaintiff's request contending his building permit expired on August 25, 1986.

Federal courts are courts of limited jurisdiction. Since the state courts are courts of general jurisdiction the presumption is that they have subject matter jurisdiction over a particular controversy unless a

showing is made to the contrary. The federal courts on the other hand are empowered to hear only those cases that (1) are within the judicial power of the United States as defined in the Constitution and (2) that have been entrusted to them by a jurisdictional grant by congress. Owens Equipment and Erection Co. v Kroger, 437 U.S. 365 (1978). A party seeking to invoke the jurisdiction of a federal court must demonstrate that the case is within the jurisdiction of the court. The presumption is that a federal court lacks jurisdiction in a particular case until it has been demonstrated that jurisdiction over the subject matter exists. California v Andrus, 608 F.2d 1247 (9th Cir. 1979).

The sole issue which the plaintiff raises here is whether the defendants improperly denied him a building permit. As stated in Chogris v. Board of Appeals of Town of Andover, 811 F.2d 36, 42 (1st Cir. 1987) the "heavy duty machinery of the Civil Rights Act" does not encompass the subject of the revocation of a building permit. See also Chiplin Enterprises, Inc. v. City of Lebanon, 712 F.2d

1524 (1st. Cir. 1983) The allegations raised in the plaintiff's complaint all relate to the matters for which he may seek appropriate redress in the state courts applying state, not federal, law. The issues he raises simply are not cognizable under 42 U.S.C. 1983. It is inappropriate for the plaintiff to seek review of local zoning and planning disputes by means of 42 U.S.C. 1983. Even given the broadest reading of the allegations in the complaint, plaintiff has simply set forth a conventional land use dispute between himself and the defendants. These are matters of concern to the state and do not implicate the Constitution. This federal court is not a zoning board of appeals; therefore, the court concludes the plaintiff has failed to raise a substantial question under Section 1983 and this action should be DISMISSED. IT IS ORDERED that the defendant's motion to dismiss be and here is GRANTED.

Dated this 9th day of September, 1987.

HOWARD D. MCKIBBIN

U.S.D JUDGE

Filed December 21, 1987
U.S. Court of Appeals for the 9th Cir.

UNITED STATE COURT OF APPEALS

FOR THE 9TH CIRCUIT

ENGEL v CLARK COUNTY, NV
No. 87-6116
D.C. CENTRAL CA No. CV-87-1970 WMB

ORDER

Appellee's motion to dismiss the appeal for lack of jurisdiction is granted. The district court order transferring venue was not a final appealable order. See Varsic v U.S.D.C. 607 F2d 245, 251. The appeal also cannot be construed as a petition for writ of mandamus because appellant has not demonstrated extraordinary circumstances justifying mandamus relief. U.S. V Gregor, 657, F2d 1109.

Note: Rule 81(b) Civil Procedure Mandamus was abolished.
L. Engel

Filed March 26, 1987
U.S.D.C Central District of California

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
No. CV-87-1070-WMB

ORDER TRANSFERRING ACTION TO NEVADA

The action arises solely from a dispute between plaintiff and the officials of Clark County, Nevada, concerning real property which plaintiff owns there. It should almost certainly be tried in a Nevada state court, but even if federal courts have jurisdiction under the Civil Rights Act, as alleged, venue indisputably lies only in Nevada. 28 U.S.C.(b)

The Clark County Commission
225 Bridger Avenue
Las Vegas, NV 89155

8/22/89

Dear Commissioner, Manuel J. Cortez, Jay Bingham, Paul Christensen, William Pearson, Thalia Dondero, Bruce Woodbury, Karen Hayes;

As you should know I have filed legal action against Clark County , Nevada. As a member of the Clark County Commission I have alleged that you are responsible for the deprivation of my Civil Rights under the Constitution of the United States of America and Amendments. Specifically, you are alleged to have violated Article I, Sec 9 cl. 3 and sec 10 of the Constitution the Bill of Attainder Clause and others.

My chances of prevailing in this action remain 50/50. They are now enhanced because of my increased knowledge and experience you have inadvertently made necessary by forcing legal action. Prior to filing my action I made a prayer of relief to your. You decided to ignore it. Response by the heard of the Building Department was intentionally slow and arrived following the expiration

of the statute of limitations and action had been filed.

Now the case will proceed to the Supreme Court of the United States of America in Washington, D.C. Again I write to you with a prayer for relief and damages as I have been punished and deprived by you and the Clark County Commission without a judicial trial to determine the question of guilt and without a avenue of relief except legal action.

The Clark County Commission assumed judicial magistracy; it pronounced upon my guilt, without any of the forms of safeguards of trial; it determined the sufficiency of proofs produced, whether conformable to the rules of evidence or otherwise; and it fixed the degree of punishment in accordance with it own notion of the enormity of the offense.

My question to you is do you know of any appeal procedure within Clark County that would permit me to resolve this matter?

Sincerely yours Larry Engel address.

Note: This prayer for relief was ignored just like the other two. L. Engel

The Project team also reviewed newspaper accounts of corruption from 1970 to 1976, identifying 372 corruption cases in forty-seven states and Washington, D.C.; corruption incidents were reported in 103 cities. Of the 372 cases, 112 concerned government contracting, eighty-three dealt with land use, forty-five concerned personnel matters, and the rest involved issues such as law enforcement and abuse of government benefit programs. According to the study, various groups estimate annual payoff costs ranging from \$3 billion to \$5 billion. The study identified some of the major reasons leading to corruption as substandard pay, lack of supervision, lack of accountability, and a consensus that the policies being enforced were in themselves, undesirable.

Suburban real estate development was cited as a principal cause of corruption in recent years, with the major figures in such corruption likely to be land developers (with their associated lawyers, bankers and others) and officials associated with subdivisions (zoning commissioners, boards of supervisors, officials approving development plans) in



suburban areas. One problem, the report said was that many suburban jurisdictions had no land-use plans and many others had inconsistent zoning ordinances. The most frequent form of corruption in land-use and building regulation usually involves the smallest dollar amounts such as giving a clerk \$10 or \$20 to expedite the processing of an application or, giving building inspectors \$50 to overlook a minor violation of the building codes. Less frequent, but involving much larger sums, are the payments to secure approval of zoning changes or subdivision plans; payoffs totally \$50,000 to \$100,000 are not uncommon on major developments.

The study suggests these steps to control corruption; require financial disclosure statements from regulators; enact "sunshine legislation" requiring open meetings; make regulators record their decisions and the reasons for them; organize citizen watchdog groups; control the procedures of clerical personnel; hire strong city managers with professional backgrounds and pay them adequately; and reduce the opportunities for corruption by reducing the numbers of decisions.

**CORRUPTION
LAND USE AND BUILDING REGULATION
UNITED STATES DEPARTMENT OF JUSTICE**

A new sturdy, "Corruption in Land Use and Building Regulation," was released June 12 by the Law Enforcement Assistance Administration (LEAA). The 2-year, six volume study was financed with \$265,000 from the National Institute of Law Enforcement and Criminal Justice, LEAA's research arm; it was conducted by SRI International, Menlo Park, California.

By focusing on ten communities, the study investigated how corruption developed, its frequency in some areas of government rather than others, and ways to reduce it. The ten cases selected for in-depth research were: Fairfax County, VA.; Hoffman Estates, Ill.; Broward County, Fla.; Clark County, NV.; Cincinnati; New York City; East Providence, R.I.; San Diego, Cal.; Santa Clara, Cal.; and Arlington Heights, Ill. Corrupt practices were discovered in all the areas except Arlington Heights, which was chosen for the study because of its lack of corruption and because cases of corruption turned up in communities around it.

NEWSPAPER ARTICLE
ZONING VARIANCES THE RULE
BY ANITA WELER
REVIEW JOURNAL SUNDAY 1/24/88

Zoning exceptions and changes are the rule in Clark County, where officials granted roughly 90 percent of the 782 variances, 398 conditional use permits and 335 zone changes requested in 1987. . .

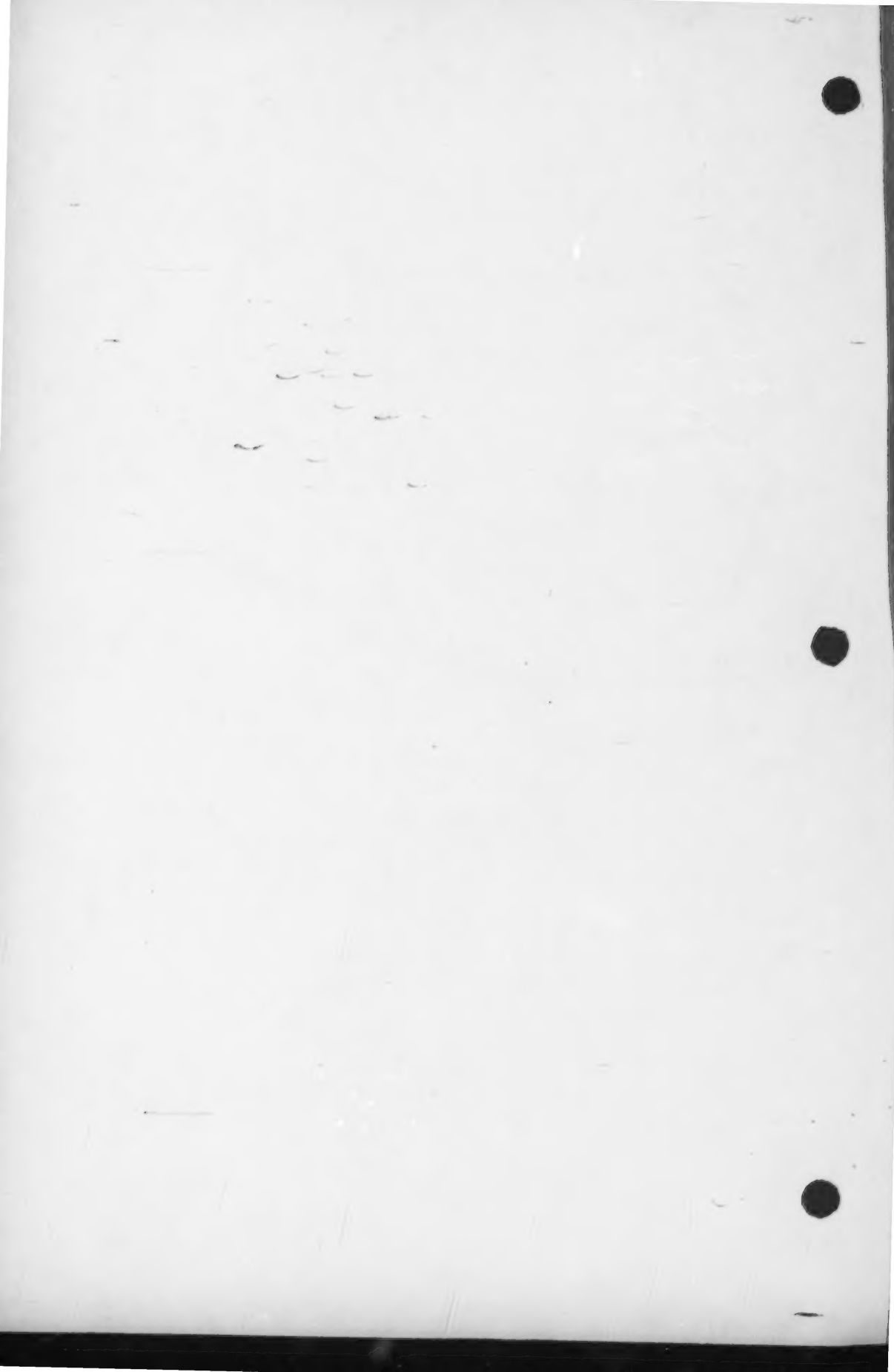
And Clark County not only exceeds Los Angeles County, but most other counties in the country, in variances granted, said Greg Borgel. "We grant not only proportionately more, but absolutely more, than any other jurisdiction". . . "Even if there is a technical violation of the code, they tend to be more charitable toward variances than other jurisdictions."

Clark County Commission Chairman, Paul Christensen said, ". . . we look at individual items, if we did not we would have a hue and cry for zone changes. Individual control is a lot better deal for the public. Using permits and variances gives us more controls over the uses than blanket zoning, and it gives us flexibility."

C.C. Zoning Coordinator Bonnie Rinaldi, "The commissioners look at each use with its specific plans for

development, and on a case-by-case basis can approve the use and the plans, usually under certain conditions of development".

8A



CLark County Building Department
Carl Wittington, Business Director

8/30/86

Dear Building Department;

On August 21, 1986 I passed an inspection of septic system by the Clark County Health District. I have enclosed a copy of the report of inspection marked approved.

Would you please add this inspection to your computer record of inspections that we have passed. This should give us a valid building permit for another 6 months until february 21, 1986.

If there is any problem or the time indicated in the above statement is not correct please inform me immediately.

Thank you

Larry Engel
3330 W. Cougar Avenue
Las Vegas, NV 89118
361-7018
Bldg. Permit #45-004725



**CLARK COUNTY BUILDING PERMIT
APPLICATION CENTER**

September 9, 1986
Larry Engel
3330 West Cougar Avenue
Las Vegas, NV 89118

REFERENCE: Request for Extension of Time
Building Permit No. 1-45
004725

In response to your letter of August 30, 1986 requesting an extension of time for Building Permit Number 1-45-004725, please be aware that an inspection of a septic system provides no basis for authorizing an extension of time for a building permit. The inspection of a septic system recognizes the presence of the system and has no direct bearing on the building permit itself.

Our records show the latest building permit issued to 3330 Cougar Avenue was on April 3, 1985; date of last inspection for a partial slab was February 25, 1986. The Uniform Building Code provides the permit holder 180 days to commence construction after date of permit issue. Once commenced work must progress as demonstrated by successful inspections every 180 days. Failure to demonstrate progress will cause the building permit to expire and become

null and void. Building Permit No. 1-45-004725 expired August 25, 1986. Plumbing permit NOI 3-56-002489 issued February 26, 1986 with a successful partial ground plumbing inspection on June 30, 1986 is current.

Your variance request (VC 42-85) heard last May contained special conditions that construction proceed on a timely basis towards completion of your single family residence.

Since your request for an extension of time cannot be granted on the basis presented, and in view of an expired building permit, I am forwarding your letter to our code enforcement group for follow-up.

Any questions pertaining to building permits may be addressed to the undersigned. Thank You

Carl Wittington

Clark County PAC Administrator

cc: Code Enforcement/Public Response Office

Residential/Rural Inspection Division

**CLARK COUNTY BUILDING PERMIT
APPLICATION CENTER**

Oct 7, 1986

CERTIFIED MAIL

Larry Engel
3330 West Cougar Ave
Las Vegas, NV 89119

REFERENCE: Building Permit
No. 1-45-004725

With reference to your letter of September 12, 1986 regarding construction work at property located at 3330 West Cougar Avenue, it is apparent that you need to establish a clearer understanding of the building development process before I can address your comments. To do so specific code references are presented which form the basis for response to code related items.

1. Owner-builder permittees - Clark County

Administrative Guidelines, Section 302(d) provides for a property owner to construct a single family residence on his property, for his own use if he "understand the provisions of this ordinance and technical codes and shall comply herewith."

2. Permits required - the Uniform Building Code

(UBC) Sec 301 (a) requires that no building or structure

regulated by the code shall be constructed unless a separate permit for each building or structure has first been obtained from the building official.

3. Permit expiration - UCB Section 303(d) states, "Every building permit issued by the building official under provisions of this code shall expire by limitation or become null and void if the building or work authorized by such permit is not commenced within 180 days from date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work has commenced for a period of 180 days. Before such work can be recommenced, a new permit shall first be obtained to do so "

4. Permit renewal - UBC Section 303(d) continues ". . . and the fee therefore shall be one-half the amount required for a new permit for such work providing no changes have been made in the original plans or specifications for such work. . . "

4. Inspections - UBC Section 305 describes general inspection criteria and outlines required inspections for typical construction development, and provides that "The

building official, upon notification from the permit holder, or his agent shall make the inspection."

Your Building Permit NO. 1-45-004725, issued April 13, 1986 for a new single family residences shows a single successful partial slab inspection on February 25, 1986. While you may have continued work following the February inspection, no additional requests were received from you, the permittee, or scheduled by this office. With no inspection activity within a 180 day period Building Permit NO. 1-45-004725 expired by limitation (see UBC Section 303(d)).

To continue work a new permit is required (see UBC Section 303(d)). With payment of a fee equal to one-half of the amount required for a new permit, and providing the scope of work from the original permit has not changed a new permit will be issued. Should you fail to renew Building Permit No. 1-45-004725 by February 25, 1987 a full permit fee will be charged.

No further work is authorized until a valid building permit is in force (see UBC Section 301(a)).

Regarding special conditions reference in your September 12, 1986 letter, minutes of the Clark County Planning Commission of April 22, 1986, on the matter of VC-42-85, referenced testimony requesting information from you on future construction progress and made specific reference to inspection intervals. In the motion for denial of an extension of time for VC-42-85, lack of progress was recognized as not meeting Zoning time requirements for completing the building within the framework of time. As you refer to the minutes of the meeting of March 7, 1985 in which you appeared before the Planning Commission, VC-42-85 was approved conditioned on "one (1) year to complete" the residence. You obviously did not comply with that special condition.

It should be apparent that Clark County is not intent on delaying your project or causing you needless expense or hardship. Building Permit No. 1-45-004725 was issued as a single family residence - - not as a foundation only as you claim. You called for and received a foundation inspection which was partially approved; work was not totally

complete to approved plans. The notation "No finals without Health Department approval of septic system" means simply that: the building could not receive final inspections until waste disposal requirements are completed to the satisfaction of the Health District. Health approved the septic system on August 21, 1986; the note will be deleted with building permit renewal. Incidentally, a foundation inspection is the first of a series of five inspection categories that ordinarily occur in sequence as the structure is progressively completed (see UBC Section 305 1.)

Construction, inspection scheduling and project control became your responsibility when you applied for and received an owner-builder permit (see Clark County Administrative Guidelines, Section 302(d)). To receive inspections you, as the permit holder, are responsible to notify this office. Information to that effect appears on the Building Permit Application form, and the Inspection Record (card) both of which are located at the job site. The County has no authority to notify permittees of impending permit expiration.

In response to your statements alleging selective enforcement, and violation of your rights, we find no evidence that could substantiate either suggestion or conclude that you have been subjected to any code, rule, regulation or hearing not expected of others.

In summary, Clark County's enforcement action is simply to enforce the Clark County Code; in your case, to have active building permits if you plan to continue construction for a future residence and that construction is performed to approved plans. Such routine follow-up is not intended to strike fear in the hearts of citizens.

Alleged criminal activity suggested in your letter of September 12, 1986 should be addressed to the proper authorities having jurisdiction in those areas.

Any further questions regarding building permits may be addressed to the undersigned.

Carl Whittington, PAC Administrator

cc. Robert D. Weber, director
Code Enforcement/Public Response Office
Residential Inspection Division, Building Department

**CLARK COUNTY BUILDING PERMIT
APPLICATION CENTER**

September 13, 1982

* ***

Mr. Larry Engel
10391 Joan Drive
Garden Grove, CA 92640

**REFERENCE: Request for building
requirements**

Clark County has adopted the 1982 Uniform Building Code (UCB) with related ordinances which is consistent with most Western States. You will probably find the building requirements for Clark County (and metro- politan Las Vegas) would be the same as Garden Grove. Aligned with the UBC are the 1981 Electrical Code, 1982 Uniform Plumbing Code and 1982 Uniform Mechanical Code and their related implemented ordinances. You should be able to review the codes at your local public library; purchase most likely can be made through your local building department.

Structure less than 120sq.ft. do not require building permits; therefore, the storage shed is exempt. Residential construction, building permits, inspection and general infor-

mation is contained in the codes, as stated above. Residential Estates (R-E) is described in our Zoning ordinance as having a maximum lot area of 20,000 sq. ft.

Mobile homes are also governed by State law through the State Manufactured Housing Division in Carson City. Through cooperative agreement, Clark County conducts set up inspections zoned for that use: that is, mobile home estates (owned), mobile home parks (rentals), or parcels over two acres zoned R-U. Owner/builders are allowed to occupy a mobile home in conjunction with building a permanent single family residence for a period of one year plus a possible one-time six-month extension.

Attached are courtesy guidelines covering areas in which you expressed interest. Should you decide to relocate in the Las Vegas area, we would be pleased to assist you more directly in processing your applications for building permits.

Carl W. Whittington, Business Manager

**CLARK COUNTY
DEPARTMENT OF COMPREHENSIVE PLANNING
ZONING DIVISION**

February 4, 1986
L. Engel
3388 W. Cougar
Las Vegas 89118

Application Number VC-42-85

This is to remind you that the above referenced application will expire on 3/7/86, if construction has not commenced by that date. You may request an Extension of Time by completing and submitting the attached application in triplicate prior to the scheduled expiration date. It is to you advantage, however, to apply as soon as possible since no permits may be issued after the expiration date while the Extension of Time application, please note:

- (1.) If the property has been sold. . .
- (2.) If the property has been subdivided ...

If you have already commenced construction on this project, please advise us by letter; do not submit the enclosed Extension of Time application in that case. You have commence construction if you have some portion of a building or wall finished.

It has not been the policy of Clark County to extend Zone Changes beyond a total of 5 years for projects which have not commenced. If that is your situation, we suggest that you not apply for more time on the original application. Instead, you should apply for new zoning whenever you are ready to proceed. **mobile home while building

At the time Engel received this notice he had walls built eight feet high.

Engel, Lawrence

VC-42-85

PUBLIC HEARING

A variance to maintain a mobile home as a temporary residence beyond the 18 month time limit during construction of a residence. On the E1/2 SW1/4 NW1/4 SW1/4 of Section 17, Township 22 South, Range 61 East in an R-E (Rural Estates Residential) zone.

GENERALLY LOCATED: At 3388 West Cougar Av

AREA INVOLVED: 1.15 acres

CONDITIONS:

1. A time limit of one year in which to commence construction or use.
2. Steet dedi. . .
3. Flood and drainage study and full compliance therewith, including dedication of flood control easements and the design and construction of improvemeents as required by the Department of Public Works. Signing . . .
4. All new constructions requires: 1. building permits in accordance with the Uniform Building Code as adopted by Clark County; and (2) submission of a plot and grading plan showing property lines, building locations, topography, and other such data as is required by the Building Department. Mobile homes require inspection for the Nevada Safety Seal prior to occupancy.

MASTER PLAN: .5-2 u/a.

PROTESTS:

APPROVALS:

OWNER & APPLICANT: Lawrence Engel 3388 W. Cougar

**CLARK COUNTY DEPARTMENT OF BUILDING
ROBERT D. WEBER, DIRECTOR**

February 24, 1987

Lawrence L. Engel
3330 West Cougar Avenue
Las Vegas, NV 89118

COMPLAINT - 3330 WEST COUGAR AVENUE

Your request for inspection of a concrete slab at the subject address cannot be performed since no building permit is in force authorizing the work. As you are aware, building permit number 1-45-004725 expired by limitation on August 25, 1986. To obtain an inspection, that permit will have to be renewed prior to February 25, 1987 or a new permit obtained after that date.

Additionally, you are advised that plumbing permit number 3-56-002489 expired by limitation on January 15, 1987 and will also need to be renewed prior to any further work being performed or inspections made.

As previously mentioned, the Clark County Building Department is not intent on delaying your project or causing you needless expense or hardship. You simply must

have valid permits in order to continue construction and obtain inspections on your proposed single family residence.

Incidentally, action by the Board of County Commissioners on May 21, 1986 addressed the presence of a temporary mobile home and had no bearing on your permits, which were both active at that time. Your request for an extension of time for continued use of the trailer was denied at that time.

Questions regarding building permits and inspections may be addressed to Carl Whittington, 455-3005, or myself at 455-3030.

ROBERT D. WEBER, DIRECTOR

RDW:CW:dg

cc: Paul Christensen, Commission Chairman, Thalia Dondero, Com. vice cha., Jay Bingham, Com., Manuel Cortez, Com., Karen Hayes, Com., William Pearson, Com., Bruce Woodbury, Com., Michael Cool, Assistant County Manager
Code Compliance/Public Response Office
Carl Whittington, PAC

Department of Building
Robert D. Weber, Director
Public Services Building
400 Las Vegas Blvd. South
Las Vegas, NV 89118

Feb. 6, 1987

Dear Mr. Weber;

On May 21, 1986 the Clark County Commission passed a bill of Attainder and on August 28, 1986 your Clark County Department unlawfully (unconstitutionally) declared Building Permit No. 1-45-004725 null and void.

This unlawful action has caused us severe injury, damage and delay.

As the action was unlawful and benefitted no one I now demand as my right under the law a construction inspection for a concrete inspection for a concrete slab in accordance with plans approved with Building Permit No. 1-45-004725 at 3330 West Cougar Avenue, Las Vegas, NV.

This inspection and recognition of this permit continuing as valid could reduce future injury, damage and delay for us, however providing this inspection does not dispensate Clark County Nevada from compensatory and punitive damages for unlawful acts past and future.

Please have the County Inspector notify us 48 hours before he comes to the property so we can insure that the concrete form work has not been damaged by bad weather or virulence.

Lawrence Lee Engel
3330 West Cougar Avenue
Las Vegas, NV 89118 702 361-7018

Copies to: Jay Bingham, Paul Christensen, Manuel J. Cortez, Thalia M. Dondero, Karen Hayes, William Pearson, Bruce Woodbury, Members of the Clark County Commission.

**CLARK COUNTY BUILDING DEPARTMENT
RESIDENTIAL INSPECTION RECORD**

Job site: 3330 W. Cougar Avenue Class of Work: New
USE: Foundation Const. type 6 OCC: N

Owner: Larry Engel Gen Contractor: Owner

Scope of Work: **FOUNDATION ONLY FOR NEW RES
PENDING HEALTH DEPT. APPROVAL OF SEPTIC
SYSTEM.**

Building Permit #1: 23-005523
Plumbing Permit #3: 56-002489

Location/Footing (steel) 4/10/84 9110

Masonry (steel) 3/4/85 9103
4 foot lift 7/4/85 9103
8 foot lift 9/12/85 9109

Note: items crossed by C.C. inspector 9109 stating county
should not have issued foundation only permit.
This permit was mysteriously declared void and Engel required to
reapply and pay a new fee. No reason was given, officially.



CLARK COUNTY BUILDING DEPARTMENT

COMMERCIAL INSPECTION RECORD

APPROVED PLANS
MUST BE AVAILABLE
FOR INSPECTOR USE
DURING INSPECTIONJOB SITE 3330 W. Conner Avenue CLASS OF WORK New USE Foundation CONST. TYPE A OCC NOWNER Larry Engel GEN. CONTRACTOR OWNERSCOPE OF WORK Foundation only for new res ponding health dept. approval of septic systemBuilding Permit #1 23-003123 Electrical Permit #2 Plumbing Permit #3 23-003429 Mechanical Permit #4

NOTICE: Post this card on the front of the structure in a weather protected location. YOU are responsible to request inspection when work is ready by calling 386-4383 before 4:00 p.m. for inspection on the next day. Before a framing inspection can be made, rough electrical, plumbing and mechanical must be in place and approved. If this card is lost or defaced, you must obtain a duplicate from the office before inspections will be made. Per UBC, you must begin work before 180 days, and get an approved structural inspection within 180 days after issue and at least every 180 days thereafter. Be sure you are ready before calling for inspection since a penalty fee may be charged for reinspection.

Inspections Date Inspector Remarks

| | | |
|--------------------------|----------------|-------------|
| Location/Footing (stamp) | <u>4/10/84</u> | <u>9/10</u> |
| Ground Electric | | |
| Ground Plumbing | | |

DO NOT POUR CONCRETE UNTIL ABOVE INSPECTED

| | |
|------------------|--|
| Concrete Slab | |
| Bond Beams | |
| Electric Slab | |
| Gas Piping Rough | |

| | |
|------------------|--|
| Electric Rough | |
| Plumbing Rough | |
| Ductwork Rough | |
| Top Out | |
| Roof/Sheathing | |
| Subfloor Nailing | |
| Framing | |
| Ext. Lath/Siding | |

| | |
|--------------------|--|
| Insulation (wall) | |
| Insulation (attic) | |

| | |
|----------------------|--|
| Sheetrock (interior) | |
| Stucco Brown Coat | |

| | |
|------------------|--|
| Final Building | |
| Final Electric | |
| Final Gas Tag | |
| Final Mechanical | |

Other Inspections Date Inspector Remarks

| | |
|------------------------|------------------------|
| Temp. Pole/Power | |
| Gas Test (plumbing) | |
| Gas Test (mechanical) | |
| Fireplace | |
| Masonry (stamp) | <u>3-4-85 4/10/84</u> |
| 4' Lift | <u>7-2-85 4/10/84</u> |
| 8' Lift | <u>9-15-85 4/10/84</u> |
| Grout/Bond Beams | |
| 4' Lift | |
| 8' Lift | |
| 12' Lift | |
| Top Out | |
| Sewer | |
| Fire Pump Test | |
| Emerg. Gen. (rough) | |
| (load test) | |
| Alarm System (rough) | |
| (pull test) | |
| Sprinkler System | |
| Underground Hydromatic | |
| Underground Flush | |
| Overhead Hydromatic | |
| Standpipe Hydromatic | |
| Final | |
| Smoke Detector | |
| Final Onsite/Grading | |
| Final Fire Dept. | |
| Final Zoning | |

PAC No.

**CLARK COUNTY BUILDING DEPARTMENT
RESIDENTIAL INSPECTION RECORD**

Job Site: 3330 W. Cougar Ave
Owner/Contractor Lawrence L. Engel, Owner
Date issued 4-3-85

Scope of Work: NEW RESIDENCE
Building Permit #1 45-004725
Plbg. Permit #3 56-002489

Location/Footing (steel) 2/25/86 9104
Ground Plumbing Partial 6/30/86 9205=???
Concrete Slab 2/25/86 9104
Masonry 4' lift 3/4/85 9103
8' lift 9/12/85 9109

BUILDING PERMIT RECORD
computer printout

\ Building Address: 03330 W. Cougar Permit NO. 1-
45-004725

Owner name: Engel, Lawrence Contr. Owner-Builder

Class of Work NEW Use of structure: SINGLE FAMILY
RESIDENCE

No. of unit. 1 square footage: 4,642
valuation: 112,701

Issuance date: 4/03/85 Building permit fee 465.50

Parcel No: 370-270-017 San/Health No. 0000 zone R-E

Status: ACTIVE Last update 2/26/86

Co issued: Red Tag: Water Tag: NO
San Tag: NO Inspect area 1

Comment 1: RES 85R0117 VC42-85 (NO FINAL W/O
HEALTH DEPT APPRVL OF SEPTIC SYS) LS

***INSPECTION INFOR ***

Date: 02/25/86 Type: Bldg-Slab Result: acceptable

Comment: Partial

Status: RESULT Inspector BELANGER,E time 09:45
Cause: Permit BSII 1-45-004725

*** INSPECTION INFOR ***

Date: 06/30/86 Type: PLBG-GROUND
Result: ACCEPTABLE
Status: RESULT Inspector: BYBEE, D Time: 09:45
Cause: Permitt BSII 3-56-002489

Area 18 No. 1-45-004725/001
Address 03330 W Cougar Ave
Contractor: Owner /Buider
Owner Name: Engel, Lawrence
Req Date: 09/11/85 Use: SINGLE FAMILY RESIDENCE
Type of Inspection: Bldg-Grout & Reinforced Masory

Comment: RES 85R0117 VC42-85 (NO FINAL W/O HEALTH
DEPT. APPRVL OF SEPTIC SYS) LS

*** INSPECTION RESULTS ***

ACCEPTABLE

COMMENT 8 feet 0 inches BOND

Inspector 9109 09/12/85 Time: 0830

**REPORT AND NOTICE OF INSPECTION
CLARK COUNTY HEALTH DISTRICT**

Control NO. S871W-00-00

Dist: 15 3330 W. Cougar Las Vegas 89118

09 Engel, Lawrence L 361-7018

category 080 081 S871W-JHQ-00 Action: 5A

08/21/86

DATE OF APPROVAL: 8/21/86

Sanitarian J.P illegible TIF 31

CLARK COUNTY BUILDING DEPARTMENT RESIDENTIAL INSPECTION RECORD

**APPROVED PLANS
MUST BE AVAILABLE
FOR INSPECTOR USE
DURING INSPECTION**

| | | | | |
|---------------------|-----|------|-----|-------|
| 3330 W. COUGAR AVE. | | | | |
| JOB SITE | SUB | UNIT | LOT | BLOCK |

OWNER/CONTRACTOR LAWRENCE L. ENGEL, OWNER DATE ISSUED 4-3-85

SCOPE OF WORK NEW RESIDENCE

Reg. Permit #1 - 45-004725 Cont's OWNER Month Permit #4 - _____ Cont's _____

Elec. Period 02 - _____ Cont'y _____ Date _____ 0 - _____ Cont'y _____

Prog. Permit 03-56 002481 Cont'r _____ Other _____ Case'r _____

NOTICE: Post this card in the front of the structure in a weather protected location. YOU are responsible to request inspection when work is ready by calling 800-4383 between 4:00 p.m. for inspection on the next day. Before a framing inspection can be made, rough electrical, plumbing and mechanical must be in place and approved. If this card is lost or defaced, you must obtain a duplicate from the office before inspections will be made. For USC, you must begin work before 180 days, and get an approved structural inspection within 180 days after issue and at least every 180 days thereafter. Be sure you are ready before calling for inspection since a penalty fee may be charged for noninspection.

[illegible]

Chapter 3.36

COUNTY COMMISSION ELECTION DISTRICT*

Sections:

3.36.010 Created—Purpose.

*Prior ordinance history: Ord. 565.

3.36.010 Created — Purpose. (a) Pursuant to Nevada Revised Statutes 244.018, the board of county commissioners establishes seven county commission election districts.

(b) The policy for redistricting the county is declared to be:

(1) To provide that the several commission districts shall represent substantially equal numbers of people as practicable, in compliance with the constitutions of the U.S. and the state of Nevada;

(2) To preserve the unity of each district where practicable so that each is composed entirely of contiguous territory and is as compact as possible;

(3) To avoid, where practicable, any division which would tend to submerge an area in a larger district wherein substantially different socioeconomic interests predominate.

(c) The board of county commissioners finds that:

(1) The redistricting shall be based upon the population count established by the last national census of the Bureau of Census of the United States Department of Commerce.

(2) Each county commissioner shall be a resident of and be elected by the registered voters of the county commissioner election district as provided in this chapter.

(3) The number of county commissioners elected at each general election pursuant to this chapter shall be as nearly equal as possible.

(d) Clark County is divided into the following county commission election districts designated as Districts A through G. Districts A, B, C and D shall consist of commission seats with terms expiring on the day before the 1st Monday of January, 1985, and thereafter four-year terms. Districts E, F and G consist of commission seats with four-year terms initially and thereafter.

(e) Maps identifying the boundaries of the various districts are attached to the ordinance codified in this chapter as Exhibits "A" and "B," which by this reference are made a part of this chapter. District A is all of the territory of Clark County lying outside of the brown line; District B is all that area outlined in red; District C is all that area outlined in lavender; District D is all that area outlined in orange; District E is all that area outlined in yellow; District F is all that area outlined in blue; and District G is all that area outlined in green. (Ord. 766 § 1, 1981; Ord. 577 § 1, 1978)

Clark County 300E

Chapter 3.12

COUNTY PLANNING COMMISSION*

Sections:

- 3.12.010 Established—Membership.
- 3.12.020 Term of office.
- 3.12.030 Compensation and expenses.
- 3.12.040 Meetings.
- 3.12.050 Adopting regulations.
- 3.12.060 Chairman.
- 3.12.070 Employees and consultants.
- 3.12.080 Expenditures.
- 3.12.090 Reports and recommendations.

*For statutory authority relating to planning commissions see NRS, Chapter 278.

3.12.010 Established — Membership. There is created the Clark County planning commission pursuant to NRS 278.030, to consist of seven members, who shall be appointed by the chairman of the board of county commissioners, with the approval of said board. At least four of the seven members shall be residents of the unincorporated areas of the county. (Ord. 568 § 1, 1978; Ord. 201 § 2, 1964)

3.12.020 Term of office. The term of office of each member of the Clark County planning board shall be four years or until his successor takes office. Members appointed prior to January 27, 1978, may serve the balance of the term for which they were appointed. All appointments to fill vacancies shall be for the unexpired term and made by the board of county commissioners as provided in staggered terms conforming with NRS 278.040. The appointed members of such planning commission shall hold no other public office. Members of the Clark County planning commission may be removed, after public hearing, by a majority vote of the board of county commissioners for inefficiency, neglect of duty or malfeasance of office. (Ord. 568 § 2, 1978; Ord. 201 § 3, 1964)

3.12.030 Compensation and expenses. Members of the planning commission shall be entitled to compensation as provided by NRS 278.040, in the amount of not more than forty dollars per meeting and not more than two hundred dollars per month. Additionally, members of the planning commission shall be entitled to normal travel expenses for approved travel on county business outside the limits of Clark County. (Ord. 1012 § 1, 1987; Ord. 201 § 4, 1964)

3.12.040 Meetings. The planning commission established in this chapter shall hold at least one regular meeting in each month, and may hold such other meetings, either regular or special, as circumstances may require or render desirable for the performance of its function and the proper discharge of its duties and responsibilities. A quorum of the commission is required to transact its business. A quorum is a majority of the members of the commission, that is four, unless a member declares he will abstain because of a conflict of interest, bias or improper pressure. Then the necessary quorum to act upon the matters and the numbers of votes necessary to act is reduced as though the members abstaining were not

members of the commission. A member shall declare his intention to abstain prior to or concurrently with the performance of his duty to the chairman and other members of the commission. (Ord. 568 § 3, 1978; Ord. 201 § 5, 1964)

3.12.050 Adopting regulations. The Clark County planning commission shall, and is authorized to, adopt rules for the transaction of business, not inconsistent with applicable state laws or Clark County ordinances, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. (Ord. 201 § 6, 1964)

3.12.060 Chairman. The Clark County planning commission shall elect its chairman from among the appointed members, and the term of such elected chairman shall be one year, with eligibility for reelection to successive terms. (Ord. 201 § 7, 1964)

3.12.070 Employees and consultants. The Clark County planning commission, in addition to electing its chairman, shall create and fill such other of its offices as it may determine, and may recommend to the board of county commissioners the appointment of such employees as may be deemed necessary for proper discharge of planning commission work, or the engagement of contractual services of planners, architects, engineers, and other specialized consultants, to the same end. (Ord. 201 § 8, 1964)

3.12.080 Expenditures. Any expenditures connected with the functions of the planning commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board of county commissioners, which shall provide the funds, equipment and accommodations necessary for the planning commission's work. (Ord. 201 § 9, 1964)

3.12.090 Reports and recommendations. The Clark County planning commission, through the director of the county planning department, shall make report of its findings, determinations or recommendations to the board of county commissioners on all applications or matters considered by said planning commission, for final action or disposition by said board of county commissioners, as may be authorized under applicable law or ordinance. (Ord. 201 § 10, 1964)



22.02.130 Combined board of building appeals. (A) Purpose. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the technical codes for which there is no administrative review provided by law, there shall be created a combined board of building appeals. The combined board of building appeals shall hear appeals relating to:

- The building administrative code of Clark County;
- The building code of Clark County;
- The mechanical code of Clark County;
- The housing code of Clark County;
- The abatement of dangerous buildings code of Clark County;
- The swimming pool code of Clark County; and
- The solar code of Clark County.

Where a specific appeal involves combinations of issues relating both to the scope of the combined board of building appeals as well as either the board of plumbing examiners or the board of electrical examiners, then two members from the board(s) affected will be designated by the chairman thereof to sit as voting members of the combined board of building appeals only for the portions of its deliberations relating to the issues within their own board's scope. At his option, the chairman of the affected board may choose to hold a properly noticed special meeting by telephonic means to choose such temporary assignments.

(B) Members. The board shall consist of five members appointed by the board of county commissioners as follows:

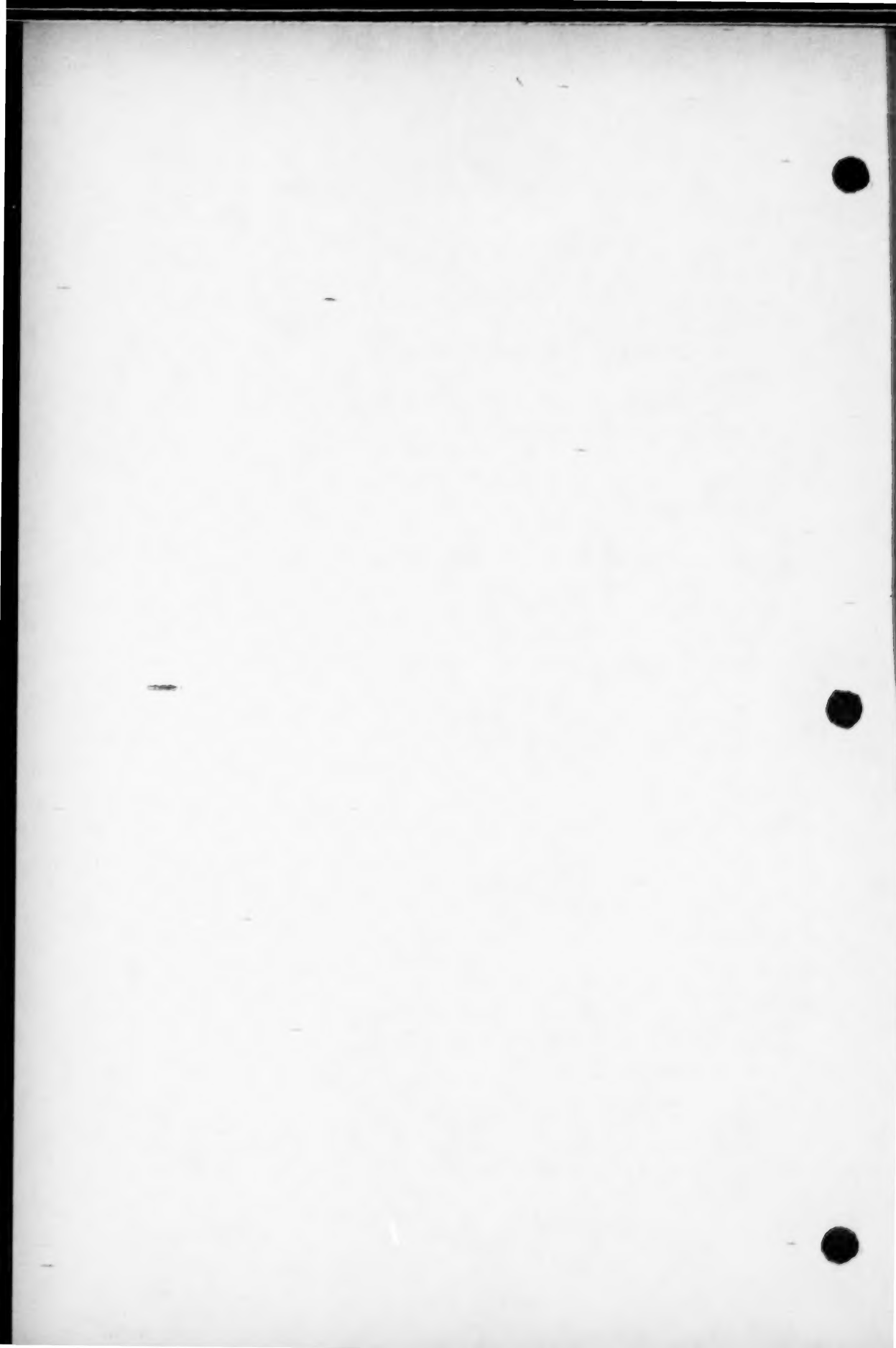
- (1) One architect registered in and for the state of Nevada;
- (2) One general contractor licensed by the state of Nevada and holding a business license in Clark County;
- (3) One engineer registered in and for the state of Nevada;
- (4) One representative of the residential construction industry;
- (5) One layman; and
- (6) The building official to act as secretary and member ex officio; provided, that he shall have no vote.

(C) Procedures. The combined board of building appeals shall adopt reasonable rules and procedures for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant.

(D) Limitations and Scope of Authority. The combined board of building appeals shall provide final interpretations on the provisions of the codes referenced above, hear administrative appeals from persons entitled to hearings under the codes referenced above, and determine the suitability of alternate building materials and methods of construction. The board has no authority to grant waivers or variances to specific code requirements.

(E) Liability. Neither the combined board of building appeals or any member thereof shall be liable for, and the board and each member thereof is relieved from all personal liability for any damage that may accrue to persons or property as a result of any good faith act or by reason of any good faith act or omission in the discharge of any duty specified herein. Any suit brought against the board or any member thereof as a member of the board resulting from such act or omission performed by them as members of the board in the performance of their duties shall be considered an act of Clark County and shall be subject to its liability insurance coverage.

The appellant shall cause to be made at his own expense any tests or research necessary to support his claims before the combined board of building appeals. (Ord. 955 § 1 (part), 1985)



22.02.140 Violations. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building, structure or building service equipment or cause or permit the same to be done in violation of this code and/or the technical codes.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment. Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such required act shall constitute a violation of this chapter. Any day of any violation of this chapter shall constitute a separate offense. (Ord. 955 § 1 (part), 1985)

Chapter 22.01

ENFORCEMENT

Sections:

20.01.010 Authority to issue citations.

22.01.010 Authority to issue citations. Building, electrical, mechanical, plumbing and zoning inspectors and the immediate superior officer of said inspectors of the department of building are authorized to prepare, sign and serve misdemeanor citations, pursuant to NRS Chapter 171, to enforce the provisions of Titles 22, 23, 24, 25, 27, 28 and 29 of this Code, and shall diligently prosecute the violation thereof. (Ord. 846 § 7, 1983; Ord. 644 § 1, 1979)

22.02.147 Permits issuance — Sec. 303. (A) Issuance. The application, plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of Clark County to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, specifications and other data filed with it conform to the requirements of this code and the technical codes and other pertinent laws and ordinances, and that the fees specified elsewhere in this code have been paid, he shall issue a permit for the work described.

When the building official issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "approved." Such approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the technical codes. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building, structure or building service equipment will be granted.

At his option, when he is assured that inspections will proceed simultaneously, the building official may issue a single permit incorporating several scopes of work governed by one or more of the various technical codes; for example, a single permit may be issued for a pool with attached spa which includes the building, electrical and plumbing scopes of work.